IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 21207 of 2005

Between:

K.Venkateswari.

.....APPELLANT

AND

1. The Registrar (Administration)

High Court of Andhra Pradesh,

Hyderabad, and 2 others.

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Heard learned Counsel for the parties and perused the record.

The case is in a short compass. Two charges were framed against the petitioner and enquiry was held. We have seen the enquiry report. Though the learned Enquiry Officer-cum-Principal Munsif Magistrate, Bapatla, has not dealt with charges separately, at the end of the report, he has stated that the petitioner is found guilty of both charges. Charges levelled against the petitioner were:

> "**Firstly:** that you have absented to duties six days altogether prior to August, 1990 without leave, absented from duties without permission or leave since 31-07-1990 A.N. till 16-08-1990; absented from duties from 28-03-1991 to 31-03-1991 without any leave, absented to duties from 01-04-1991 to 06-04-1991 and 10-04-1991, absented from office duty from 11-30 A.M. onwards on 19-04-1991 and left the office without permission and thereby you are liable for punishment under C.C.A. Rules for your unauthorized absence and dereliction of duties.
>
> **Secondly:** that you are discharging your duties with gross negligence, indiscipline attitude, misbehaving with the staff members, trying to put the officer in inconvenience, if you are warned, not keeping the premises clean, thereby you are liable for punishment under C.C.A. Rules."

After the enquiry report, petitioner was removed from service, and she filed an administrative appeal before the High Court, which was considered by a committee of Judges. The High Court passed the following order:

> "After consideration of the appeal of Smt.K.Venkateswari, Masalchi in Class IV service, II Addl. Munsif Magistrate's Court, Bapatla, 2nd read above, the order and letter of the District Judge, Guntur 1st and 3rd read above and also the connected record, the High Court holds that the charge No.1 established is of unauthorized

absence from 28-03-1991 to 31-03-1991, that looking to the habit of appellant to abstain and seek leave so often, the punishment awarded by the District Judge through his proceedings first read is quite proper and that, therefore, the appeal is liable to be dismissed.

Accordingly, the appeal of Smt.K.Venkateswari 2nd read above is hereby dismissed."

Therefore, the High Court was of the view that the petitioner had remained absent from 28-03-1991 to 31-03-1991. The only charge proved, according to the record, against the petitioner was that she remained absent for four days, and in our view, the punishment of removal from service, for unauthorized absence of four days, is shockingly disproportionate.

Therefore, for this ground alone, we allow the writ petition, and quash the order of removal of the petitioner from service. Respondent No.1 shall pass appropriate orders for petitioner's reinstatement into service, and shall take a separate decision in accordance with law with regard to the claim of the petitioner for the period she remained out of service. No costs.

(Bilal Nazki, A.C.J)

24th November, 2005

(R.Subhash Reddy, J)

LUR